

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PARNELL EDWARDS,

Plaintiff,

v.

HAROLD CLARKE, *et al.*,

Defendants.

Case No. C06-5128RJB

ORDER ON PENDING
MOTIONS

This matter is before the court on (i) Plaintiff's motion for sanctions (Doc. 22); (ii) Plaintiff's motion for an extension of time to conduct discovery (Doc. 24); and (iii) Defendants' motion for summary judgment (Doc. 28). The court, having reviewed the record does hereby find and ORDER:

1. Plaintiff's motion for sanctions is **DENIED**. Plaintiff fails to show facts sufficient to award any sanctions against Defendants or Defendants' attorney in this matter.

2. Plaintiff's motion for an extension of time to conduct discovery is **GRANTED**. The following dates shall be adhered to by the parties. All discovery shall be completed by **January 30, 2007**. Any further dispositive motion shall be filed and served on or before **February 28, 2007**. The Joint Status Report is due by **April 15, 2007**.

3. Pending before the court is Defendants motion for summary judgment (Doc. 28). The court notes Defendants' motion and supporting pleadings did not advise the pro se plaintiff as required by the Ninth Circuit. While the court's order directing service noted the requirements, out of an abundance of caution and in order to make it perfectly clear to Plaintiff what is required, Plaintiff shall note the

1 following:

2 The defendants have made a motion for summary judgment by which they seek to
3 have your case dismissed. A motion for summary judgment under Rule 56 of the Federal
Rules of Civil Procedure will, if granted, end your case.

4 Rule 56 tells you what you must do in order to oppose a motion for summary
judgment. Generally, summary judgment must be granted when there is no genuine issue of
5 material fact -- that is, if there is no real dispute about any fact that would affect the result
of your case, the party who asked for summary judgment is entitled to judgment as a matter
6 of law, which will end your case. When a party you are suing makes a motion for summary
judgment that is properly supported by declarations (or other sworn testimony), you cannot
7 simply rely on what your complaint says. Instead, you must set out specific facts in
declarations, deposition, answers to interrogatories, or authenticated documents, as
8 provided in Rule 56(e), that contradict the facts shown in the defendant's declarations and
documents and show that there is a genuine issue of material fact for trial. If you do not
9 submit your own evidence in opposition, summary judgment, if appropriate, may be
entered against you. If summary judgment is granted, your case will be dismissed and there
will be no trial.

10 Rand v. Rowland, 154 F.3d 952, 962-963 (9th Cir. 1998). Accordingly, **Defendants' motion for**
11 **summary judgment is renoted for consideration on October 13, 2006. Regardless to the extension of**
12 **discover granted above, Plaintiff's opposition brief, along with the required declarations or other**
13 **sworn statements, shall be filed no later than Tuesday, October 10, 2006.**

14 4. The clerk is further directed to send copies of this Order to plaintiffs and to counsel for
15 defendants.

16 DATED this 18th day of September, 2006.

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18 /s/ J. Kelley Arnold
19 J. Kelley Arnold
United States Magistrate Judge
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